

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

2:08-CV-00304-LRH (PAL)

\$6,663.00 IN UNITED STATES CURRENCY)
SEIZED FROM MICHAEL JELINSKY)
LOCATED AT 11282 MERADO PEAK DRIVE,)
AND ON THE PERSON OF MICHAEL)
JELINSKY, AND IN THE CONTROL OF)
MICHAEL JELINSKY,

Defendant.

**THE UNITED STATES OF AMERICA’S UNOPPOSED APPLICATION TO EXTEND
THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST
THE \$6,663.00 IN UNITED STATES CURRENCY AND ORDER
(Third Request)**

The United States of America (“United States”), by and through Gregory A. Brower, United States Attorney, and Daniel D. Hollingsworth, Assistant United States Attorney, and Michael Jelinsky (“Jelinskys”), by and through his attorney, Richard Barnett, and Barbara Jelinsky (“Jelinskys”), by and through her attorney, Gerald B. Lefcourt, respectfully apply for a third extension of time until and including September 17, 2008, pursuant to 18 U.S.C. § 983(a)(3)(A), for the United States to file a Civil Complaint For Forfeiture In Rem against the \$6,663.00 in United States Currency seized from Michael Jelinsky. The Complaint is currently due August 1, 2008.

1 The grounds for this unopposed application are counsel for the United States and counsel for
2 the Jelinskys have agreed to the extension.

3 This Unopposed Application is made and is based on this Unopposed Application and the
4 attached Memorandum of Points and Authorities.

5 DATED this 22nd day of July, 2008.

6 GREGORY A. BROWER
7 United States Attorney

8 /s/DanielDHollingsworth
9 DANIEL D. HOLLINGSWORTH
10 Assistant United States Attorney
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MEMORANDUM OF POINTS AND AUTHORITIES

I. Statement Of Facts

On or about September 27, 2007, the Immigration and Customs Enforcement (“ICE”) in Las Vegas, Nevada executed a search and seizure warrant at 11282 Merado Peak Drive, Las Vegas, Nevada and seized a cashiers check for \$6,663.00 in United States Currency.

On or about December 3, 2007, the Customs and Border Protection Office of Fines, Penalties & Forfeitures (“FP&F”) mailed notice of seizure certified return receipt requested.

On January 3, 2008, FP&F received a claim requesting judicial action from Michael Jelinsky and Barbara Jelinsky.

On March 6, 2008, Richard Barnett, Michael Jelinsky’s attorney, and Gerald Lefcourt, Barbara Jelinsky’s attorney, agreed to the first extension of time and authorized counsel for the United States to file the Unopposed Application with this Court. Richard Barnett and Gerald Lefcourt needed time to discuss the case with the Jelinskys.

On or about May 2, 2008, Richard Barnett, Michael Jelinsky’s attorney, and Gerald B. Lefcourt, Barbara Jelinsky’s attorney, agreed to the second extension of time and authorized counsel for the United States to file this Unopposed Application with this Court. The United States, Richard Barnett, and Gerald Lefcourt needed time to see if the case with the Jelinskys could be resolved.

On or about July 21, 2008, Michael Pancer on behalf of Richard Barnett, Michael Jelinsky’s attorney, and Gerald B. Lefcourt, Barbara Jelinsky’s attorney, agreed to the third extension of time and authorized counsel for the United States to file this Unopposed Application with this Court. The United States, Richard Barnett, and Gerald Lefcourt need more time to see if the case with the Jelinskys can be resolved.

II. ARGUMENT

This Court should grant this application for an extension of time to file the Civil Complaint For Forfeiture In Rem against the \$6,663.00 in United States Currency under 18 U.S.C. § 983(a)(3)(A), which states:

[T]he Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims . . . , a court in the district in which a complaint will be filed may extend the period for filing a complaint for good cause shown or *upon agreement of the parties*. (emphasis added)

A district court has the authority under § 983(a)(3)(A) to extend the period for filing a Civil Complaint For Forfeiture In Rem. On or about July 21, 2008, counsel for the Jelinskys agreed to the third extension of time and authorized counsel for the United States to file this Unopposed Application with this Court. Because the parties have agreed to the extension of time to file a Civil Complaint For Forfeiture In Rem, this Court should extend the time.

This Unopposed Application is not submitted solely for the purpose of delay or for any other improper purpose.

III. Conclusion

This Court should grant an extension of time until September 17, 2008, pursuant to § 983(a)(3)(A), for the United States to file a Civil Complaint For Forfeiture In Rem against the \$6,663.00 in United States Currency seized from Michael Jelinsky located at 11282 Merado Peak Drive, and on the person of Michael Jelinsky, and in the control of Michael Jelinsky, because the United States and counsel for the Jelinskys have agreed to the extension of time.

DATED this 22nd day of July, 2008.

Respectfully submitted,

GREGORY A. BROWER
United States Attorney

/s/DanielDHollingsworth
DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

IT IS SO ORDERED this 26th day of July, 2008.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE